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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/342,745 06/29/99 ARDENT J 13503

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EXAMINER

COOLEY, C

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

08/30/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/342,745

Applicant(s)

Ardent

Examiner

Charles E. Cooley

Group Art Unit

1723



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims cc

☒ Claim(s) 1-18 19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-3 and 7-10 is/are allowed.

☒ Claim(s) 4-6 and 11-18 19 ^{cc} is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1723

OFFICE ACTION

1. This application has been assigned to Technology Center 1700, Art Unit 1723 and the following will apply for this application:

a. Please direct all written correspondence for this application to Art Unit

1723. The examiner can be reached at telephone number (703) 308-0112.

b. Telephone inquiries regarding this application should be directed to the Technology Center 1700 receptionist at (703) 308-0651 or to the Examiner at (703) 308-0112. Facsimile correspondence for this application should be transmitted to (703) 305-3602 or (703) 305-7718.

Information Disclosure Statement

2. Note the attached PTO-1449 form submitted with the Information Disclosure Statement filed 29 JUN 1999.

Drawings

3. Applicant should verify that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).

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Specification

4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The disclosure is objected to because of the following informalities:

a. Page 7, line 16: replace "12a and 12b" with --12 and 12a-- to agree with

Figures 1 and 2.

b. Page 9, line 7: replace "nob" with --knob--.

c. Page 9, line 24: replace "steering" with --stirring--.

Appropriate correction is required.

6. The Abstract of the Disclosure is objected to because:

a. Line 5: replace "stop" with --stops--.

Correction is required.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (MPEP 606.01). The title should mention the pivotally mounted spring biased support arms.

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Claim Rejections - 35 U.S.C. § 112

8. Claims 4-6, and 11-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 2: "the stirrer shaft" lacks antecedent basis - replace with --the paddle shaft--.

Claim 11, line 10: insert --to the-- before "support arms" to clarify the wording.

9. Each pending claim should be thoroughly reviewed such that these and any other informalities are corrected so the claims may particularly point out and distinctly claim the subject matter which applicant regards as the invention, as required by 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claims 11, 15, 16, and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Givant.

The patent to Givant discloses a stirrer comprising a housing 11; stirrer paddle 20 with a paddle shaft 17; drive means in the housing including a motor 12 and gear train 18, 19; support arms 35 having ends connected to the housing; means 30 for extending and retracting the ends; bias means 37 for biasing the support arms 35 toward a retraction position; the ends of the support arms having means 31 for engaging the top rim of a vessel; the drive motor having a power source 13 in the form of a rechargeable battery; the stirrer paddle 20 being separable from the paddle shaft 17 (Col. 3, lines 1-8).

Claim Rejections - 35 U.S.C. § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Givant in view of Rohring et al.

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Givant does not disclose the paddle shaft being vertically adjustable in the housing. Rohring et al. discloses a stirrer for a pot including a housing 15; a paddle shaft 16; and a stirrer paddle 19. The paddle shaft 16 is vertically adjustable in the housing. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the stirrer of Givant such that the paddle shaft is vertically adjustable in the housing as disclosed by Rohring et al. for the purpose of enabling the stirrer to be used with any depth pot (Col. 29-34).

Allowable Subject Matter

14. Claims 4-6 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

15. Claims 12-14 and 19 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

16. Claims 1-3 and 7-10 are allowable over the prior art of record.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art discloses stirrers for pots or other vessels.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Cooley whose telephone number is ☎ (703) 308-0112.

19. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is ☎ (703) 308-0651.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles Cooley", written over a horizontal line.

Charles Cooley
Primary Examiner
Art Unit 1723

Dated: **25 August 1999**